

REMARKS

In response to the Advisory Action mailed on 24th June, 2004, and following an interview with the examiner and the examiner's supervisor Marc Hoff on 23rd June, 2004, Applicant wishes to enter the following remarks for the Examiner's consideration. Claims 1 and 21 have been amended. Claims 1-40 are pending in the application.

Claim 1 calls for "providing a process modification software module comprising a user-defined function for causing the variation". The examiner asserts that "user-defined function" is a broad term that is met by the "user-selected function" disclosed in the Snyder reference (US 6,385,552). Claim 1 has been amended to call for "providing a user-generated process modification software module comprising a user-defined function for causing the variation" so as to more clearly distinguish the present invention from the Snyder reference.

This amendment is supported by the specification (page 14, lines 15-19) which describes examples of how the user-defined function is generated by the user. This approach provides much greater flexibility than merely selecting a function from a list of previously defined functions. In addition, page 14, lines 10-12 of the specification states that "the user determines what variations to the measurement process are desired", and that it is the user that generates the code module (page 14, lines 15-19). In contrast, the Snyder reference only allows the user to select between pre-defined test functions and to alter the parameters of pre-defined functions. In the Snyder

system, the user does not provide the code module, as called for in claim 1, rather the user selects between pre-existing code modules.

In an interview with the examiner on 23rd June 2004, the examiner agreed that the amendment to claim 1, which makes it explicit that the process modification software module is generated by the user, distinguishes the invention of claim 1 from the Snyder reference. Further, the examiner agreed that the amendment would overcome the rejection of claim 1 and dependent claims 2-20 over the Snyder reference.

Claim 21 has been amended to call for "a second plurality of instructions generated by a user and operable to control the measurement process". This amendment is supported by figure 4 of the specification and the associated description on page 14, line 15-19. As discussed above, Snyder does not teach, disclose or otherwise suggest that the user generates instructions. The amendment is in accord with the amendment to claim 1. In an interview with the examiner on 23rd June, 2004, the examiner agreed that such an amendment to claim 21 would be sufficient to overcome the rejection over the Snyder reference. Claim 21 and claims 22-40, which depend from claim 21, are now in condition for allowance.

In light of the foregoing amendments and explanations, the applicant submits that all rejections of claims 1-40 have been overcome. Allowance of claims 1-40 is therefore respectfully requested at the Examiner's earliest convenience. The scope of amended claims 1 and 21 is substantially unchanged, with implicit meaning now made explicit. Although additional

arguments could be made for the patentability of each of the claims, such arguments are believed unnecessary in view of the above discussion and in view of the examiner's remarks during the interview on 23rd June, 2004. The undersigned wishes to make it clear that not making such arguments at this time should not be construed as a concession or admission to any statement in the Office Action.

Please contact the undersigned if you have any questions regarding this application.

Respectfully submitted,



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July 8, 2004